THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO: 30746 of 1998

Date: 11-04-2007

Between:

K.Venkateswaramma

..... PETITIONER

AND

The Commissioner of Government
Examinations, Andhra Pradesh,
Hyderabad and 2 others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO: 30746 of 1998

O R D E R:

In this writ petition, the petitioner has questioned the proceedings dated 01-07-1998 issued by the second respondent-Additional Joint Commissioner, Office of the Government Examinations, Andhra Pradesh in which he has cancelled the SSC pass certificate of the petitioner with Role No.0250269.

The petitioner claims that she belongs to Scheduled Tribe community and completed her X class and thereafter she joined technical course. But however, she could not continue the said course and subsequently, joined in Intermediate. Thereafter, she had also completed her graduation and was appointed as Junior Assistant in Vijayawada Municipal Corporation.

The Commissioner, Vijayawada Municipal Corporation, has referred the SSC certificate of the petitioner with Role No.0250269 to the respondents for verification of its genuineness. Then it was noticed that there was change in the date of birth in the certificate furnished by the petitioner. On the allegation that the date of birth of the petitioner was 01-05-1972, but however, it was altered as 01-05-1974, the Commissioner Government Examination had issued show cause notice dated

02-12-1997 calling explanation as to why the certificate issued to the

petitioner should not be cancelled, for tampering of the entries with regard to date of birth in the certificate. Pursuant to the show cause notice, a detailed explanation was filed on 16/17-12-1997 and in the said explanation she has stated that after completion of the SSC, she joined in Government Technical College at Kakinada and at that point of time she has submitted the original SSC certificate along with transfer certificate, but however, thereafter she has discontinued the said course and by taking back the said certificates, she joined in Sapthagiri Junior College at Vijayawada. It is stated that she has completed her Intermediate and graduation with good marks and while denying the allegation of tampering, she has requested to pass suitable orders in the interests of justice.

Though the detailed reply filed by the petitioner is referred to in the impugned order, without considering all the pleas raised by the petitioner in the reply to the show cause notice, the second respondent has passed the order cancelling the SSC pass certificate in exercise of powers under Rule 119 of A.P. (Integrated) Education Rules, 1966 framed under A.P. Education Act, 1982.

The writ petition is filed mainly on the ground that though the petitioner is not responsible for tampering the date of birth, and in spite of her detailed explanation, the respondents have passed the impugned order cancelling the SSC certificate without recording any valid reason.

On the other hand, it is the case of the respondent-Government that as much as the tampering of the date of birth in SSC pass certificate is a serious offence and in that view of the matter on the reference made by the employer, namely the Commissioner of

Municipal Corporation, Vijayawada, an enquiry was conducted and orders were passed.

Though Rule 119 of A.P. (Integrated) Education Rules, 1966 empowers the Director to cancel the transfer certificate or the SSC pass certificate, but the very rule mandates issuance of show cause notice against the proposed action and consideration of such explanation.

In the instant case, though show cause notice was issued on 02-12-1997 and the petitioner had filed a detailed explanation on 16/17-12-1997, which is referred to as second reference in the impugned order, but without recording any single reason, order of cancellation is passed. As much as the cancellation of such a certificate will have far reaching consequences, the respondents ought to have considered the explanation filed by the petitioner carefully before taking the extreme punishment of cancelling the certificate.

In that view of the matter, as much as the grounds raised in the explanation submitted by the petitioner are not considered, I deem it appropriate and expedient that it is a fit case to set aside the impugned order dated 01-07-1998 and to direct the said authority to consider the matter afresh taking in to account the explanation submitted by the petitioner on 16/17-12-1997. It is further made clear that if the petitioner wants to rely on any further material or wants to file any further explanation to the said show cause notice, the petitioner may do so by filing such material and explanation within a period of three weeks from today before the Commissioner of

Government Examinations, Andhra Pradeh, Hyderabad. The said authority shall take into account the said material and explanation before passing appropriate orders.

Subject to the above directions, the writ petition is allowed to the extent indicated above. No order as to costs.

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R.SUBHASH REDDY,J

Date: 11-04-2007
KLP